

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NOW ON THIS 19th day of June, 2007, this matter comes on before the Court on the Plaintiff's Oral Motion for a *Writ of Entry*. The Court, being duly advised in the premises, finds as follows:

1. The Grand Jury for the District of Nebraska has issued a Superseding Indictment alleging the real property locally known as 4951 South 46th Avenue, Omaha, Nebraska, and legally described as Lot 149, West L Street Acres Annex, an addition to the city of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, was used to facilitate James Dean's manufacture of, possession and possession with intent to distribute marijuana, and is therefore forfeitable to the United States *via* Title 21, United States Code, Section 853.

2. The United States has not requested authority to seize the real property at this time. Rather, the United States represents the United States Marshals Service will enter the property, at a time agreed-upon by the Defendant, only to conduct an inspection, inventory and appraisal of the property.

3. The United States' Motion for a *Writ* of Entry should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The United States' Motion for Writ of Entry (#15) is hereby sustained.

B. The United States Marshals Service is hereby authorized to take the following action on

Wednesday, June 27, 2007, at 10:00 am:

1. enter the real property locally known as 4951 South 46th Avenue, Omaha, Nebraska, and legally described as Lot 149, West L Street Acres Annex, an addition to the city of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, including any structures thereon, for the purpose of conducting an inspection, inventory and appraisal of said real property, and
2. be accompanied on any such occasion by any appraiser(s) selected by it for the purpose of appraising the condition and value of the real property, which appraisal may include, among other means, still and video photography, and
3. be accompanied on any such occasion by any government and contract personnel selected by it for the purpose of conducting an inspection and inventory of the real property, which inspection and inventory may include, among other means, still and video photography, and
4. be accompanied on any such occasion by any federal, state and/or local law enforcement officers selected by it to ensure the safety of personnel acting under this *Writ of Entry*.

C. Should the United States obtain a written appraisal as a result of its inspection of the property at 4951 South 46th Avenue, Omaha, Nebraska, it will provide a copy of that appraisal to Mr. Dean's attorney of record.

D. The Defendant, James Dean, and his attorney, James M. Davis, shall be present during the Marshal Service's inspection of the property.

E. Any interference with anyone acting under the authority of this *Writ of Entry* shall be deemed a violation of a Court order and may be punished as contempt as is provided by law.

BY THE COURT:

S/ F. A. Gossett
UNITED STATES DISTRICT COURT